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February 26, 2015

By ECF

Hon. John G. Koeltl United States District Judge United States Courthouse 500 Pearl Street, Courtroom 12B New York, NY 10007

RE:

Apple Mortgage Corp. v. Barenblatt, et al.

(S.D.N.Y. Case No. 13-cv-9233)

Dear Judge Koeltl:

We represent Plaintiff Apple Mortgage Corp. ("Apple") in the referenced action, and I am writing with Defendants' consent to request a short extension of the current discovery and other deadlines, as reflected in the attached proposed Second Amended Civil Scheduling Order. The current deadlines are set forth in the first Amended Civil Scheduling Order, which was entered on November 17, 2014 (ECF Doc. 23).

The Court may recall that on February 10, 2015, a telephone conference was held with the attorneys for the parties herein, as well as Allan Bloom of Proskauer Rose, attorneys for non-party GuardHill Financial Corp. ("GuardHill"). The subject of that conference call was GuardHill's production of documents. During that conference, the parties reported that an agreement had been reached regarding the discovery in dispute, which obviated the need for further involvement by the Court or any motion practice. Though the undersigned had raised prior to and during that telephone conference a possible extension of the pending discovery deadline, the Court suggested that we wait and see how many documents were produced by GuardHill, and when, before seeking such an extension from the Court.

Late last week, GuardHill produced a disk containing almost 16,000 pages of electronic discovery. In light of the pending discovery deadline of March 13, 2015, it is not possible to review and meaningfully analyze this production with ample time to prepare for and take the four defendants' depositions prior to the cutoff. Accordingly, I requested Defendants' consent to a short extension, to which they agreed. The dates set forth in the attached proposed Second

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Amended Civil Scheduling Order were agreed to by the parties and, although the discovery cutoff is extended via this document by four weeks, to April 10, 2015, the trial ready date has only been pushed back by nine days, to May 15, 2015.

Pursuant to Your Honor's Individual Practice 1(E):

- 1. The original discovery deadline was October 31, 2014, and the current deadline is March 13, 2015.
- 2. There was one previous joint request for an extension of the deadline, which was granted and resulted in the Amended Civil Scheduling Order entered on November 17, 2014.
- 3. Defendants consent to Apple's request.

Respectfully submitted,

Johathan Rogin

Encl.

cc: Richard C. Schoenstein, Esq. (by e-mail and ECF, w/encl.)

SOUTHERN DISTRICT OF NEW YORK	
APPLE MORTGAGE CORP.,	-X : : Civil Action No. 12 CM 0222 (ICW)
Plaintiff,	Civil Action No. 13 CV 9233 (JGK)
-against-	: :
RICHARD BARENBLATT, KEITH FURER, DAVID BREITSTEIN and KEVIN UNGAR,	SECOND AMENDED CIVIL SCHEDULING ORDER
Defendants.	: :
***************************************	: : X

It is hereby STIPULATED by the parties and ORDERED by the Court that the Amended Civil Scheduling Order, entered by the Court on November 17, 2014, is further amended as follows:

Discovery: Except for good cause shown, all discovery shall be commenced in time to be completed by April 10, 2015. The Court expects discovery to be completed within 60 days of the first scheduling conference unless, after the expiration of that 60 day period, all counsel stipulate that additional time (not to exceed 60 more days) is needed to complete discovery. The expert disclosures required by Fed. R. Civ. P. 26(a)(2) shall be made at least 30 days before the completion of discovery.

Dispositive Motions: Dispositive motions, if any, are to be completed by April 24, 2015. The parties are advised to comply with the Court's Individual Practice 2(B0 regarding motions, and to submit one fully briefed set of courtesy copies to the Court.

Pretrial Order/Motions in Limine: A joint pretrial order, together with any motions in limine or motions to bifurcate, shall be submitted by May 6, 2015. In jury cases, parties shall

submit requests to charge and voir dire requests. In non-jury cases, parties shall also submit proposed findings of fact and conclusions of law. The pretrial order shall conform to the Court's Form Joint Pretrial Order, a copy of which may be obtained from the Deputy Clerk.

Trial: The parties shall be ready for trial on 48 hours' notice on or after May 15, 2015.

The estimated trial time is 5 days, and this is a jury trial.

The provisions of the footnote on the first page of the Civil Scheduling Order remain applicable and in effect.

Dated: February 26, 2015

Jonathan Rogin

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and Kevin Ungar

SO ORDERED:

John G. Koeltl

United States District Judge